

REMARKS

Amendments to the Claims

Applicants have amended claims 1 and 4 to delete reference to nonelected subject matter. Applicants have amended claims 7, 8 and 11 to correct inadvertent typographical errors. Applicants have canceled claims 3, 6, 9, 10 and 13-42, drawn to nonelected subject matter. Applicants preserve their rights to pursue canceled and/or nonelected subject matter in any application claiming priority from the instant application.

In sum, claims 1-2, 4-5, 7, 8 and 11-12 pending. None of the above amendments constitutes new matter; their entry is respectfully requested.

The Restriction Requirement

The Examiner alleges that claims 35 and 36 are duplicates of each other, and that claims 38 and 39 recite genetically modified animals but depends from an antibody claim of claim 34. As discussed above, applicants have canceled claims 35, 36, 38 and 39, rendering the objection thereto moot.

The Examiner has restricted the claims into eight groups:

Group I (comprising claims 1-14), drawn to an isolated polypeptide, derivative or homolog thereof of WARP;

Group II (comprising claims 15-24), drawn to an isolated nucleic acid molecule or a derivative or homolog thereof of WARP encoding a polypeptide and a method of producing;

Group III (comprising claims 25-27), drawn to a method for identifying a nucleotide sequence likely to encode a WARP;

Group IV (comprising claim 29), drawn to a method for monitoring repair, regeneration or other disease process;

Group V (comprising claim 30), drawn to a method for detecting a disease condition or a propensity for development o a disease;

Group VI (comprising claims 31-36), drawn to an isolated antibody;

Group VII (comprising claims 37-39), drawn to a genetically modified animal comprising a modification to a gene encoding a WARP polypeptide;

Group VIII (comprising claims 40-42), drawn to a target vector for inactivating a gene encoding WARP.

The Examiner acknowledges that claim 28 links Groups IV and V, and indicates that, upon allowance of the linking claim, the restriction requirement as to the linked claims will be withdrawn.

The Examiner alleges that Group I-II and VI-VIII are different products and therefore each product is patentably distinct. The Examiner further alleges that Group III-V are different methods and therefore each method is patentably distinct.

The Examiner has further required an election of species. Specifically, should applicants elect Group I, the Examiner contends that an election of either (a) a polypeptide of human WARP of SEQ ID NO: 6 encoded by SEQ ID NO:5 and the VA domain of SEQ ID NO:2 encoded by SEQ ID NO:1 or (b) a polypeptide of murine WARP of SEQ ID NO:4 encoded by SEQ ID NO:3 and the VA domain of SEQ ID NO:8 encoded by SEQ ID NO:7.

Should applicants elect Group II, the Examiner contends that an election of either (a) a human WARP nucleic acid of SEQ ID NO:5 or 19, encoding SEQ ID NO:6, and the VA domain of SEQ ID NO:2 encoded by SEQ ID NO:1 or (b) a murine WARP nucleic acid of SEQ ID NO:3 encoding SEQ ID NO:4 and the VA domain of SEQ ID NO:7 encoding SEQ ID NO:8.

Should applicants elect Group VI, the Examiner contends that an election of an antibody that binds to either (a) a polypeptide of human WARP of SEQ ID NO: 6 encoded by SEQ ID NO:5 and the VA domain of SEQ ID NO:2 encoded by SEQ ID NO:1 or (b) a polypeptide of murine WARP of SEQ ID NO:4 encoded by SEQ ID NO:3 and the VA domain of SEQ ID NO:8 encoded by SEQ ID NO:7.

Should applicants elect Group VII, the Examiner contends that an election of a genetically modified animal, wherein the animal overexpresses or lacks a functional expression of a gene of either (a) a human WARP nucleic acid of SEQ ID NO:5 or 19, encoding SEQ ID NO:6, and the VA domain of SEQ ID NO:2 encoded by SEQ ID NO:1 or (b) a murine WARP nucleic acid of SEQ ID NO:3 encoding SEQ ID NO:4 and the VA domain of SEQ ID NO:7 encoding SEQ ID NO:8.

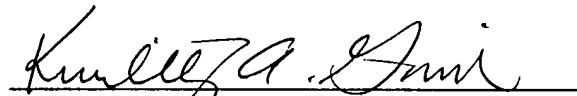
In response, applicants elects **Group I (claims 1-14)** for further prosecution on the merits. As stated above, applicants have canceled claims 15-42, restricted in Groups II-VIII. Applicants preserve their rights to pursue nonelected subject matter in this or any application that claims priority herefrom.

Applicants further elect the species of **(a) a polypeptide of human WARP of SEQ ID NO:6 encoded by SEQ ID NO:5 and the VA domain of SEQ ID NO:2 encoded by SEQ ID NO:1.**

Conclusion

Applicant believes that no additional fee is due in connection with filing of this Response. However, if any fee is required, or if any overpayment has been made, Applicants authorizes, in the Transmittal Form and Fee Transmittal (submitted herewith in duplicate), the Director to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,



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